



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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NATASHA JOHNSON
Assistant Commissioner

The following Decision is distributed for your information. This Decision has been made in consideration of the specific facts of this case. This Decision is not to be interpreted as establishing any new mandatory policy or procedure otherwise officially promulgated.

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW **03021-24 D.C.**

AGENCY DKT. NO. **C098529015 (OCEAN COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits. The Agency denied Petitioner EA benefits, and imposed a six-month EA ineligibility penalty, contending that he refused appropriate housing offered by the Agency, thereby causing his own homelessness. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On March 12, 2024, the Honorable Jeffrey N. Rabin, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On March 13, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination. The ALJ in this matter issued a very thorough and comprehensive Initial Decision, rendering a well thought out analysis, applying law to fact. See Initial Decision at 2-5. Specifically, based on the testimony regarding Petitioner's three failed drug screenings, and documentary evidence provided, the ALJ found that Petitioner appears to suffer from substance abuse issues which warranted the Agency's determination that placement in sober living housing was the most appropriate form of housing necessary to address his needs. *Id.* at 3-5; see also Exhibits P-1, R-4 and N.J.A.C. 10:90-6.3(a)(1). The ALJ also found that Petitioner had refused the Agency offered placement, both at the time such placement was offered, and at the time of the fair hearing, claiming that he was capable of independent living, that he wanted to be placed in a motel, and that the Agency had promised to provide him with independent-living housing upon his completion of the "Volunteers of America – Addiction Treatment" program. See Initial Decision at 2-3; see also Exhibit P-1. However, the ALJ found that Petitioner had failed to produce any credible evidence to refute the Agency's claims, or to advance his claim that the Agency offered placement was not the most appropriate form of housing necessary to meet his needs. See Initial Decision at 5; see also Exhibit P-1. Further, the ALJ found that Petitioner did not lack the functional capacity to find, or in this case, accept housing, and that Petitioner did not argue that he lacked such functional capacity. See Initial Decision at 4; see Exhibit P-1; see also N.J.A.C. 10:90-6.1(c)(1)(iii). Based on the foregoing, and the testimonial evidence presented, the ALJ found that the Agency had demonstrated, by a preponderance of the credible evidence, that a sober living housing placement was the appropriate placement for Petitioner. See Initial Decision at 4-5. Accordingly, the ALJ concluded that Petitioner had caused his own homelessness by refusing appropriate housing, and as such, the Agency's denial of EA benefits to Petitioner, and the imposition of a six-month EA ineligibility penalty were proper and must stand. *Id.* at 5; see also Exhibit R-1, and N.J.A.C. 10:90-6.1(c)(3), -6.3(a)(1). I agree.

No Exceptions to the Initial Decision were received.



As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, Petitioner's six-month EA ineligibility penalty shall run from March 5, 2024, the effective date of the Agency's denial, through September 5, 2024. See Exhibit R-1.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version. March 20, 2024

Natasha Johnson
Assistant Commissioner

